

REMARKS

Claims 1-13 and 48-60 were examined. Claims 1 and 48 are amended. Claims 1-13 and 48-60 remain in the application.

The Patent Office rejects claims 1-5, 48-51, 53-56 and 59-60 under 35 U.S.C. § 102(b). The Patent Office rejects claims 6-8, 12-13, 52 and 57-58 under 35 U.S.C. § 103(a). The Patent Office objects to claim 9 as dependent on a rejected base claim. Reconsideration of the claims is respectfully requested in view of the above amendments and the following remarks.

A. 35 U.S.C. § 102(b): Rejection of Claims 1-5, 48-51, 53-56 and 59-60.

The Patent Office rejects claims 1-5, 48-51, 53-56, and 59-60 under 35 U.S.C. § 102(b) as anticipated by Glickman (U.S. Patent No. 5,817,046) (“Glickman”). To the extent the rejection applies to the amended claims, Applicant respectfully traverses the rejection.

Glickman isolates the entire pelvic region by occluding the aorta (4), by occluding the inferior vena cava (3), and by occluding both legs by use of tourniquets (8). Thereafter, Glickman inserts a chemotherapeutic agent by way of one or more of aortic occlusion catheter 4 and inferior vena cava occlusion catheter 3. The occlusion devices serve to isolate the chemotherapeutic agent to the entire pelvic region. The chemotherapeutic agent will then reach tumor (3) as well as the rest of the “isolated” pelvic region. Glickman also discloses iliac vein catheter 9 that collects contaminated blood, passes it through pump 21, and removes the chemotherapeutic agent and re-injects the blood into an adjacent artery.

Confusion regarding Glickman and Figure 1 may be attributed to the fact that “tumor” has reference numeral 3, and vena cava occlusion catheter also has the reference numeral 3.

Applicant respectfully submits that Glickman does not teach or suggest the desirability of a system for fluid isolation in a biological mass, where the biological mass is selected from the group consisting of a heart, a portion of a heart, a kidney, a portion of a kidney, a stomach, a liver, or a brain as recited in independent claim 1. Support for these biological masses can be

found in the Application at, for example, page 14, lines 4-5. Glickman only discloses isolating the entire pelvic region.

Claims 4-5 depend from independent claim 1 discussed above, and are not anticipated by Glickman for at least the reasons given with respect to claim 1. Applicant respectfully requests that the Patent Office withdraw the rejection to claims 1 and 4-5 under 35 U.S.C. § 102(b).

Claim 48 recites the limitation of a system that achieves fluid isolation in a biological mass between an upstream channel and a downstream channel, wherein the biological mass is selected from the group consisting of a heart, a portion of a heart, a kidney, a portion of a kidney, a stomach, a liver, and a brain. As discussed above regarding claim 1, Applicant respectfully submits that Glickman teaches isolating the entire pelvic region, and does not teach a system capable of isolating a biological mass as recited in claim 48.

Claims 49-51, 53-56, and 59-60 depend from claim 48 discussed above, and are not anticipated by Glickman for at least the reasons stated with respect to claim 48. Applicant respectfully requests that the Examiner withdraw the rejection to claims 48-51, 53-56 and 59-60 under 35 U.S.C. § 102(b).

B. 35 U.S.C. § 103(a): Rejection of Claims 6-8, 12-13, 52 & 57-58

The Patent Office rejects claims 6-8, 12-13, 52, and 57-58 under 35 U.S.C. § 103(a) as obvious over Glickman. As discussed above, Glickman teaches isolating an entire pelvic region not a specific biological mass as defined in independent claim 1 or independent claim 48. Glickman is directed toward treating localized tumors occurring in the pelvic cavity. See col. 12, lines 28-31. There is no teaching or motivation to isolate one of the specific biological masses defined in claim 1 or claim 48. Claims 6-8, 12-13, 52, and 57-58 depend from either claim 1 or claim 48 and therefore contain all the limitations of the respective base claim. Accordingly, Applicant respectfully requests that the Patent Office withdraw the rejection to claims 6-8, 12-13, 52, and 57-58, § 103(a).

C. Objection to Claim 9

The Patent Office objects to claim 9 as dependent on a rejected base claim (claim 1). Applicant therefore requests the withdrawal of the rejection to claim 1. Accordingly, Applicant requests withdrawal of the objection to claim 9.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated:

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited as First Class Mail on the date shown below with sufficient postage with the United States Postal Service in an envelope addressed to: Mail Stop Amendments - Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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7/28/2003
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